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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,828	04/27/2001	Mark O'Neill	BEE-0001	8474

7590

06/16/2004

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EXAMINER

BALI, VIKKRAM

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/842,828

Applicant(s)

O'NEILL, MARK

Examiner

Vikkram Bali

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Automating insect identification, by Weeks et al (Blackwell Science, 1998).

With respect to claim 1, Weeks discloses an image identification and classification system that includes a training set (see section 2.2, page 3), means for inputting an image and a pose normalizer for normalizing the pose, (see section 2.2 page 2), means for comparing the images (see section 2.5 page 3) as claimed. However, he fails to disclose means for displaying, as claimed. But, as mentioned in the introduction section 1, this process requires a computer system, as known or conventionally a computer system has a monitor for displaying the GUI, therefore, one ordinary skilled in the art at the time of invention can obviously have the display of the images as required by the user.

With respect to claim 2, he further discloses the normalization by the vector difference, (see section 2.3 page 2) as claimed.

Art Unit: 2623

With respect to claim 3, he further discloses, the training set of images to remove effects of rotation and scale, (see section 2.2, page 2) as claimed.

With respect to claim 4, he further discloses, region of interest, (the wing section is the region of interest, section 1) as claimed.

With respect to claim 5, it is well known in the art to simply convert the Cartesian coordinates in to the polar coordinates, because it is always easy to do calculation in the polar coordinates for the circular or spherical geometrical objects. Therefore, it would have been obvious to one ordinary skilled in the art at the time of invention to simply convert the Cartesian coordinates in to the polar coordinates to make the calculation easier.

With respect to claim 6, he further discloses, removing the rotation and scale by defining a region of interest, (see section 1, and section 2.2, the region of interest is the wings and the rotation and the scale is done for the wings image) as claimed.

With respect to claim 7, he further discloses, normalizing the region of interest, (see section 1, the region of interest is the wings of the insect, the normalization of the image is the image of wings section 2.2) as claimed.

With respect to claim 8, it is well known in the art to simply convert the Cartesian coordinates in to the polar coordinates, because it is always easy to do calculation in the polar coordinates for the circular or spherical geometrical objects. Therefore, it would have been obvious to one ordinary skilled in the art at the time of invention to simply convert the Cartesian coordinates in to the polar coordinates to make the calculation easier.

Art Unit: 2623

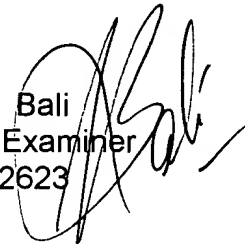
Claims 9-16, 17-24 and 25-32 are rejected for the same reasons as set forth in the rejection of claims 1-8, because claims 9-16, 17-24 and 25-32 claiming similar subject matter as claims 1-8.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vikkram Bali whose telephone number is 703.305.4510. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on 703.308.6604. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vikkram Bali  
Primary Examiner  
Art Unit 2623



vb  
June 3, 2004